

REMARKS

Claims 1-32 are pending in this application. By this Response, claims 1, 15, 16, 18, 28 and 29 have been amended. Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE."

In paragraph 2 of the Office Action, the Examiner objects to the drawings because "the electrical power source coupled to the shelf must be shown." In response, Applicant has amended FIGS. 3 and 4, and submits amended drawing sheets showing the amendment in red ink. It is noted that 37 C.F.R. § 1.83(a) explicitly permits features to be depicted as a rectangular box, so long as the invention can be understood. In this case the "electrical power source coupled to the shelf" encompasses a wide variety of electrical power sources. For understanding claim 14, it is not particularly germane to know the exact details of various embodiments from the vast variety of electrical power sources, which are generically called out in claim 14. Rather, it is important to understand that this hardware can be "coupled to the shelf" as recited in claim 14.

Applicant respectfully requests that the Examiner approve these drawing amendments to facilitate the allowance of this application. Applicant also submits substitute formal drawing sheets for FIGS. 3 and 4.

Rejection Under 35 U.S.C. § 112

In paragraphs 3-4 of the Office Action, the Examiner rejects claims 15, 16 and 28 as being indefinite. Specifically the Examiner rejected the phrase "a surface texture that is matched to a vehicle interior surface texture" as indefinite. Similarly, the Examiner rejected claim 16 for

including a similar phrase, and rejected claim 28 for the phrase “other suitable fasteners.” In response, the Applicant has amended claims 15, 16 and 28 to more clearly define the invention.

The above-described claim amendments have been drafted in response to the indefiniteness rejection, to impart precision into the claims by more particularly pointing out the invention. The claim amendments have not been drafted to overcome any prior art.

Rejection Under 35 U.S.C. § 102(b)

In paragraphs 6-7 of the Office Action, the Examiner rejects claims 1-3, 5-9, 11, 17, 18 and 23-32 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,310,237 (“McCloy II”). As discussed below, Applicant respectfully traverses this rejection.

A. The Law of Anticipation and Enabling Prior Art References

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. M.P.E.P. § 2131. The identical invention must be shown in as complete detail as is contained in the claim. *Id.*

However, Applicant submits that independent claims 1, 18, 25 and 29 have elements that cannot be found, either expressly or inherently in McCloy II. Firstly, amended independent claim 1 now recites “a front section including a recess for a visor.” In the context of Applicant’s invention and claims, and for the purpose of establishing a non-ambiguous prosecution history, “recess” as defined by the Applicant is any arrangement of one or more features designed to accommodate a visor, in whole or in part. For example, “recess” includes any feature other than a substantially flat, or planar surface, as taught in McCloy II.

Specifically, the storage container of McCloy II comprises a planar lower surface 12. As shown in FIG. 1, the visors, indicated by dash lines 20 and 21, simply abut the planar lower surface 12. McCloy II does not teach any arrangement of one or more features shaped to

accommodate a visor, in whole or in part. Instead, the visors 20 and 21 simply abut the flat lower surface 12 of McCloy II's storage container.

Regarding Applicant's independent claim 18, it recites "a second section structured to receive a visor fastener, the visor fastener coupling the shelf to the vehicle interior." In contrast, McCloy II teaches the use of two fasteners 61 to secure two brackets 40 and 60 to the ceiling 11. After brackets 40 and 60 are secured, the visors 20 and 21 are then attached to the support surfaces 22 and 72, respectively, located on the storage container (col. 7, lines 39-51). Therefore, McCloy II does not teach or suggest using a visor fastener to couple the shelf to the vehicle interior.

Applicant's independent claim 25 recites "a rear section configured to contact a vehicle surface, thereby opposing the weight, and creating a counter-moment." Illustrated in Fig. 5, Applicant's vehicle shelf includes a rear section that is designed to oppose a torque 100 created by a downward force 95 from objects placed on the vehicle shelf. There is no teaching or suggestion of this concept anywhere in McCloy II. Applicant's independent claim 29 also recites this concept by claiming, in part, "positioning a rear section of the shelf against the vehicle interior so that a weight placed on the shelf is resisted by the rear section contacting the vehicle interior." Again, there is no teaching or suggestion of this concept anywhere in McCloy II.

Accordingly, applicant respectfully submits that McCloy II cannot anticipate independent claims 1, 18, 25 and 29. Claims 2-3, 5-9, 11, 17, 23-24, 26-28 and 30-32 depend from the listed independent claims, and accordingly it is respectfully submitted that the rejection of the dependent claims has been traversed by virtue of their dependency from the independent claims.

Rejection Under 35 U.S.C. § 103(a)

In paragraphs 8-9 of the Office Action, the Examiner rejects claims 12, 14, 15 and 16 as unpatentable under 35 U.S.C. § 103(a) over McCloy II in view of U.S. Patent 5,402,924 ("Gilson"). Applicant respectfully traverses this rejection as follows.

Claims 12, 14, 15, and 16 depend from independent claim 1, which has been distinguished from McCloy II above. Gilson relates to a visor attachment that includes a U-shaped frame and a stretchable mesh panel that spans the frame (Abstract). The elements of Applicant's independent claim 1 that are lacking in McCloy II are not taught or suggested in Gilson, and because claims 12, 14, 15 and 16 depend from claim 1, it is respectfully submitted that the rejection of claims 12, 14, 15 and 16 have been traversed by virtue of their dependency from claim 1. M.P.E.P. § 2143.03.

Moreover, Applicant respectfully traverses the Examiner's assertions that: 1) the use of anti-skid surfaces for shelving is old and well known in the art; 2) the use of sun visors including lights is old and well known in the art; and 3) the use of accessories matched to the interior of a vehicle is old and well known in the art. The Examiner has not provided any references to support his assertions. If the Examiner maintains this rejection, Applicant respectfully requests that the Examiner provide specific references that teach the above-listed concepts. M.P.E.P. §2144.03

Conclusion

Applicant believes that this Response has addressed all items in the Office Action and now places the application in condition for allowance. Accordingly, favorable reconsideration and allowance of claims 1-32 at an early date is solicited. No fee is believed due with this response. However, the Commissioner is authorized to charge any fee required to our Deposit Account No. 50-2298, in the name of Luce, Forward, Hamilton & Scripps LLP. Should any issues remain unresolved, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

9.20.02
Date


Peter R. Martinez

Attorney for Applicant(s)

Reg. No. 42,845

c/o LUCE, FORWARD, HAMILTON
& SCRIPPS LLP
11988 El Camino Real, Ste. 200
San Diego, California 92130
Telephone No.: (858) 720-6300

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims

The following claims have been amended:

1. (Amended) A shelf for a vehicle interior, comprising:

a front section ~~configured to receive~~ including a recess for a visor;
an elevated section structured to couple to the vehicle interior; and
a rear section configured to contact the vehicle interior.

15. (Amended) The shelf of claim 1, wherein the shelf includes a surface texture that is ~~matched~~ substantially similar to a vehicle interior surface texture.

16. (Amended) The shelf of claim 1, wherein a color of the shelf ~~matches~~ is substantially similar to a vehicle interior color.

18. (Amended) A shelf for a vehicle interior, comprising:

a first section comprising a lower surface and an upper surface, the lower surface configured to receive a visor, with the upper surface configured to receive one or more objects; and

a second section structured to receive a visor fastener, the visor fastener coupling the shelf to the vehicle interior.

28. (Amended) The shelf of claim 25, wherein the fastener is selected from the group consisting of: visor bases, visor fasteners, bolts, threaded fasteners, non-treaded fasteners, and quick-connect devices ~~and other suitable fasteners~~.

29. (Amended) A method of attaching a shelf to a vehicle interior, the method comprising the steps of:

providing a shelf with at least one attachment aperture located in an interior area of the shelf;

attaching the shelf to the vehicle interior by placing a fastener ~~through~~ through the attachment aperture;

positioning a rear section of the shelf against the vehicle interior so that a weight placed on the shelf is resisted by the rear section contacting the vehicle interior.

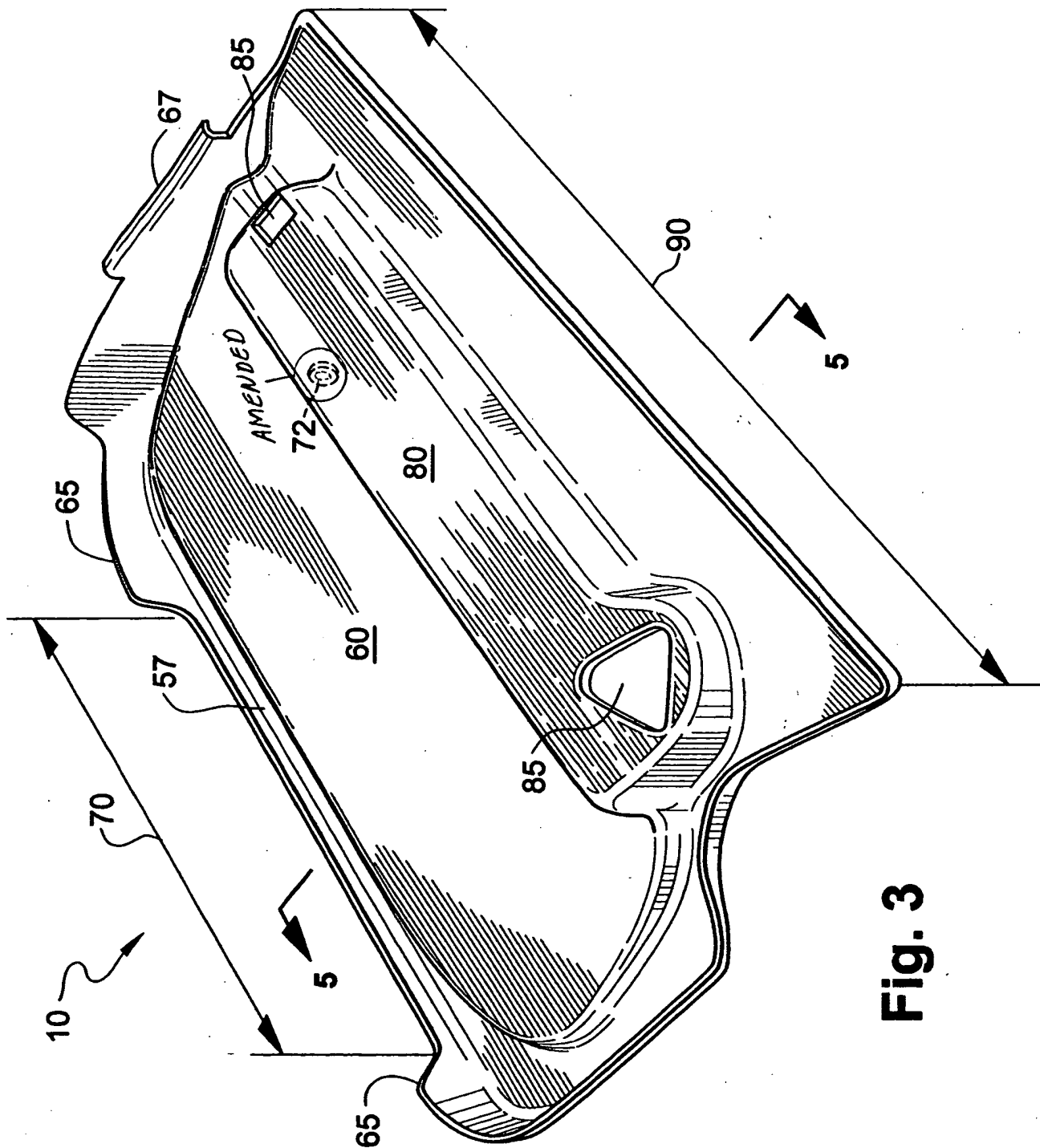


Fig. 3

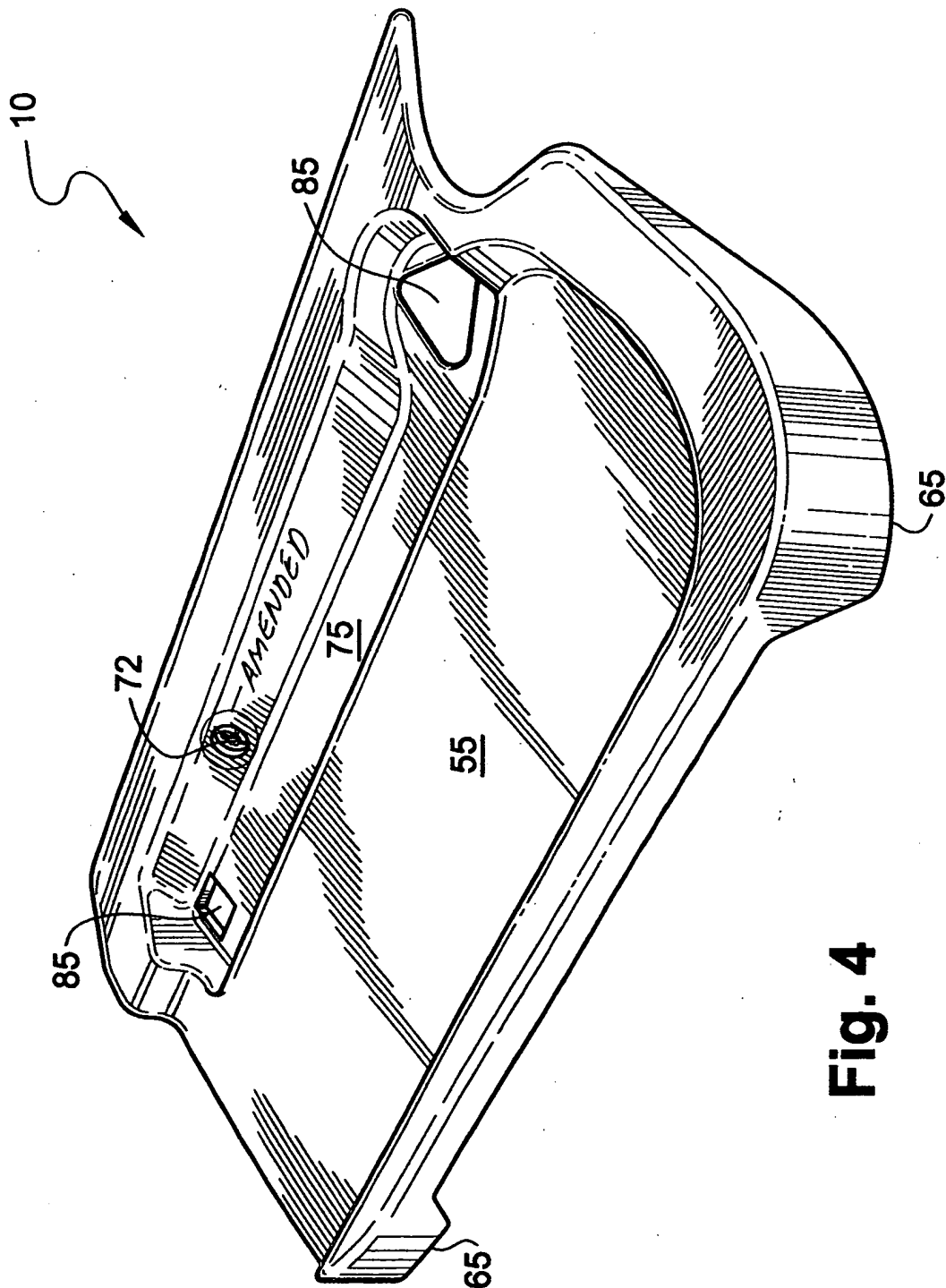


Fig. 4